



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.9165 of 2024

in Crl.A.(MD)No.717 of 2024

Ranjith,
S/o.Selvam, Sornakadu,
Peravurani Taluk, Thanjavur District.

Petitioner(s)

versus

State rep. by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.

Respondent(s)

For Petitioner(s):

Mr.S.Deenadhayalan,
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is the first accused in Spl.S.C.No.23 of 2019 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur. After the trial, the trial Court, by its Judgment dated 11.10.2023, found the petitioner guilty for the offence under Section 366 IPC and Section 5(l) r/w. 6 of POCSO Act and



convicted and sentenced him as under:

WEB COPY

(i) for the offence under section 366 IPC, to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/- with default sentence of one year rigorous imprisonment.

(ii) for the offence under Section 5(l) r/w. 6 of POCSO Act, to undergo 20 years rigorous imprisonment and to pay a fine of Rs.20,000/- with default sentence of one year rigorous imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.717 of 2024 along with a petition for suspending the sentence. The Criminal Appeal was admitted by this Court on 03.09.2024.

2. The learned counsel appearing for the petitioner submits that the petitioner had love affair with the victim girl and she had voluntarily travelled with the petitioner in his motorcycle from Pudhuvayal to Aranthangi and from Aranthangi to Madurai. They had also stayed in the house of the petitioner's grandmother near Ooty. Thereafter, they reported before the respondent Police, on the complaint of the victim girl's father.

3. The learned counsel for the petitioner further submits that the petitioner has attempted to commit suicide due to love affair, which was also admitted by the



WEB COPY

victim girl in her statement recorded under Section 164 Cr.P.C. Therefore, according to him, the petitioner/accused had moved closely with the victim girl and she had voluntarily travelled along with him in his motorcycle to various places. They had also stayed in the house of the petitioner's grandmother near Ooty, without knowing the consequences. Since the petitioner is in jail from 11.10.2023, he prays for suspending the sentence imposed on the petitioner by the trial Court.

4. The learned Government Advocate (Crl. Side), by referring the evidence of P.W.14, submits that P.W.14-Doctor has noticed certain injuries on the victim girl. Therefore, it cannot be said that the victim girl voluntarily went along with the petitioner. He further submits that the age of the victim girl was 14 years at the time of occurrence. However, the same was disputed by the learned counsel for the petitioner that as per the charge sheet, the age of the victim girl was 17 years.

5. This Court considered the rival submissions made and also perused the statement of the victim girl recorded under Section 164 Cr.P.C.

6. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and also for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.



WEB COPY

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and on further conditions that the petitioner shall stay at Madurai and report before the Inspector of Police, Othakadai Police Station, Madurai, daily at 10.30 a.m. until further orders. Further, the petitioner shall file an affidavit before the concerned Court as well as before the respondent Police that he will not visit the village of the victim girl and will not disturb the victim girl pending of the appeal.

sd/-
19/03/2025

/ TRUE COPY /

19/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

ogy
TO

1 THE JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER
POCSO ACT, THANJAVUR.

2 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE

THIRUCHITRAMBALAM POLICE STATION, THANJAVUR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



4 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.9165 of 2024
in CrI.A.(MD)No.717 of 2024
Date :19/03/2025

NBF/SAR/ (19/03/2025) 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023